

Richard B. Vaught (SBN 112155)
RBV LAW FIRM
14440 Big Basin Way, Suite 15
Saratoga, California 95070
Telephone: (408) 275-8523
Facsimile: (408) 288-5191

Joseph J. Zito
Richard A. Castellano
Luiz Felipe Oliveira
DNL ZITO CASTELLANO
1250 Connecticut Ave, NW, Suite 700
Washington, DC 20036
202-466-3500
jzito@dnlzito.com

Attorneys for Plaintiff
DKR CONSULTING LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DKR CONSULTING LLC,

Case No. 4:18-cv-05383-JSW

Plaintiff,

v.

**UNOPPOSED PLAINTIFF'S MOTION
TO WITHDRAW AS COUNSEL AND TO
STAY THE CASE**

PINTEREST, INC.,

Defendant.

Plaintiff's counsel of record, Luiz Felipe de Oliveira and Joseph J. Zito of the law firm DNL Zito Castellano and Richard B. Vaught of the law RBV Law Firm, pursuant to Civil Local Civil Rule 11-5, hereby move to withdraw as counsel of record for Plaintiff DKR Consulting, LLC in this matter. Counsel and Plaintiff are unable to move forward in a manner that would provide Plaintiff with effective representation. Plaintiff's counsel has discussed this matter with Plaintiff and Plaintiff has elected to obtain alternate counsel.

Plaintiff further moves for the entry of a stay of the due dates in this matter for 60 days to provide time for Plaintiff to engage new counsel.

CERTIFICATE OF CONFERENCE

Plaintiff's counsel met and conferred with counsel for Defendant on August 28, 2019, and counsel for Defendant has indicated that Defendant's counsel does not oppose the withdrawal of counsel for Plaintiff from the litigation. Defendants' counsel, however, would ask the Court to set (i) a date within 45-days by which Plaintiff shall identify substitute counsel and (ii) a hearing date within 60-days where, should Plaintiff fail to identify substitute counsel by the date set by the Court, Plaintiff must show cause why the Court should not dismiss the Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Plaintiff agrees to the proposed 45 and 60 day deadlines set forth above.

SPECIFIC RELIEF REQUESTED

- (i) That the Court stay all due dates for 60 days;
- (ii) that Plaintiff be required to identify substitute counsel within 45 days;
- (iii) that current counsel be withdrawn from this action upon identification of substitute counsel;
- (iv) that a show cause hearing be set for 60 days from the grant of this motion, to address dismissal or resetting of the Case Management dates as appropriate.

CONCLUSION

Accordingly, it is respectfully requested that this Court grant Plaintiffs' counsel motion to withdraw as counsel for Plaintiff DRK Consulting, LLC and to stay the due dates in this case for

sixty (60) days and to set a 45 day deadline for identification of substitute Plaintiff's counsel and to set a show cause hearing in 60 days if substitute counsel is not identified.

Dated: August 29, 2019

Respectfully submitted,

/s/ Joseph J. Zito

Joseph J. Zito

Luiz Felipe de Oliveira

DNL Zito Castellano

1250 Connecticut Ave., suite 700

Washington, D.C., 20036

Telephone: 202-466-3500

loliveira@dnlzito.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DKR CONSULTING LLC,

Plaintiff,

v.

PINTEREST, INC.,

Defendant.

Case No. 4:18-cv-05383-JSW

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO
WITHDRAW AS COUNSEL AND TO
STAY THE CASE**

For good cause shown, IT IS HEREBY ORDERED that Plaintiff's Motion to Withdraw as Counsel is GRANTED, effective upon the entry of appearance by substitute counsel for Plaintiff.

IT IS FURTHER ORDERED that this case be stayed for forty five (45) days to allow Plaintiff to identify substitute counsel.

IT IS FURTHER ORDERED that a hearing to show cause is set for _____, 2019, to address dismissal or rescheduling of the case management dates as appropriate.

DATE: August ____, 2019
San Francisco, California

SO ORDERED

Jeffrey Steven White
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents was served electronically on all counsel of record by operation of the Court's electronic filing system, and on DKR Consulting, LLC by e-mail to Plaintiff's principal David K. Robb's e-mail address.

DATED: August 29, 2019

Respectfully submitted,

/s/ Joseph J. Zito

Joseph J. Zito

Luiz Felipe de Oliveira

DNL Zito Castellano

1250 Connecticut Ave., suite 700

Washington, D.C., 20036

Telephone: 202-466-3500

jzito@dnlzito.com

loliveira@dnlzito.com

Attorney for Plaintiffs

DKR Consulting, LLC